

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Diawain Adams,

Civil No. 14-cv-0977 (MJD/TNL)

Plaintiff,

ORDER

v.

Minnesota Department of Corrections, Thomas Roy, *Commissioner of the Department of Corrections*, Yvonne Lerro-Miller, Sara Hard, Director of *Health Services*, Ellie Fuller, Lori Groby, N. Connolly, and Jean Nichole Jakubik,

Defendants.

Gary M. Hazelton, Hazelton Law Firm PLLC, 677 Anne Street NW, Suite B, Bemidji, MN 56601; Mark N. Stageberg, Attorney at Law, 5101 Thimsen Avenue, Suite 201; Minnetonka, MN 55345 (for Plaintiff); and

Eric V. Brown, Minnesota Attorney General's Office, 445 Minnesota Street, Suite 1100, St. Paul, MN 55101 (for Defendants).

Based upon the Report and Recommendation by United States Magistrate Judge Tony N. Leung dated January 29, 2015 [Docket No. 29], along with all the files and records, and no objections to said Recommendation having been filed, **IT IS HEREBY ORDERED** that State Defendants' Motion for Partial Dismissal of Plaintiff's Complaint [Docket No. 14] is **GRANTED** and the following claims are dismissed: all claims against the MNDOC; all claims

against MNDOC employees in their official capacities; and Counts I, II, and VI against Commissioner Roy and Director Hard in their individual capacities.

Date: February 24, 2015

s/Michael J. Davis
The Honorable Michael J. Davis
Chief United States District Court Judge
for the District of Minnesota